

REMARKS**I. Petition Under 37 C.F.R. § 1.136(a)**

Pursuant to 37 C.F.R. § 1.136(a), applicant hereby petitions for a three-month extension of the shortened statutory period set for reply to the Office Action dated May 14, 2007. A credit card authorization form in the amount of \$525.00 in payment of the fee set forth in 37 C.F.R. § 1.17(a)(3) is transmitted herewith.

II. Introduction

Claims 3-12, 14-15, 18-19, 21-39, 41-42, 45-46 and 48-56 are pending in the application.

Claims 13, 16-17, 20, 40, 43-44 and 47 are cancelled without prejudice.

Claims 3-29 are provisionally rejected under the judicially created doctrine of obviousness type double patenting in view of U.S. Patent 7,149,509.

Claims 3-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Galensky et al., U.S. patent 6,845,398 (hereinafter "Galensky") in view of Isomursu et al. U.S. Patent 7,088,990 (hereinafter "Isomursu").

Consideration and allowance of this application in light of the amendments above and the following remarks is respectfully requested.

III. Applicant's Reply to the Rejection Under 35 U.S.C. § 103(a)

Claims 1-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Galensky in view of Isomursu. Applicant respectfully traverses this rejection in view of the amendments above and the remarks below.

One aspect of applicant's claimed invention is concerned with systems and methods that allow a calling party to specify ringtones that will alert the called party to the incoming communication. For example, as specified in the pending claims, as amended, a calling party may select an audio or video file which is sent to the called party prior to, or substantially concurrent with, an outgoing call. When the called party receives the incoming communication, the called party is alerted to the incoming communication by the ringtone selected by the calling party.

One benefit of such features is that it allows the calling party the freedom and flexibility to choose the way in which his or her incoming communication is announced (as opposed to having the owner of the telephone (or the phone manufacturer) select the

ringtone). This allows the calling party to have control over the incoming communication and customize the call experience by selecting ringtones that are pleasing or otherwise reflect the taste and preferences of the caller rather than the person receiving the call.

Galensky and Isomursu fail to show or suggest these features anywhere.

Accordingly, applicant respectfully submits that pending claims 3-12, 14-15, 18-19, 21-39, 41-42, 45-46 and 48-56 are allowable over Galensky, Isomursu and the prior art of record. Based on the foregoing, applicant respectfully requests the rejection pursuant to 35 U.S.C. § 103(a) be withdrawn.

IV. Applicant's Reply to the Double Patenting Rejection

Claims 3-29 are provisionally rejected under the judicially created doctrine of obviousness type double patenting in view of U.S. Patent 7,149,509. However, in view of the amendments and explanation presented above, applicant respectfully requests that this rejection be withdrawn.

V. Pending IDS

A supplemental IDS is submitted herewith.

Applicant has not received an initialed form 1449 for the IDS filed August 3, 2006. Applicant respectfully requests that all the references cited therein be fully considered and an initialed form 1449 be returned with the next communication.

Furthermore, applicant respectfully points out that the Examiner inadvertently did not initial certain references on returned forms 1449. For example, on the IDS submitted May 19, 2005, cited reference WO-98/11487 was not initialed. On page 2 of the 1449 dated September 3, 2003, the references on the bottom of page 2 are not initialed (WO 00/36857 Vazvan; PCT search report 2/20/02; SGS Thompson data sheet, pp 1-29). On 1449 filed with the original case, page 2 US patent 6,366,791 is not initialed. Applicant respectfully requests that all the references cited in these previous IDSs be fully considered and initialed forms 1449 be returned with the next communication.


VI. Conclusion

For at least the above reasons, claims 3-12, 14-15, 18-19, 21-39, 41-42, 45-46 and 48-56 are patentable over the references of record.

Accordingly, applicant respectfully requests that the Examiner withdraw the rejections and allow the pending claims. To expedite prosecution of this application to allowance, the examiner is invited to call the applicant's undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Dated: 11/12/07



Scott H. Kaliko
Attorney for Applicant
Registration No. 45,786
KALIKO & YEAGER, L.L.C.
500 North Franklin Turnpike
Ramsey, NJ 07446
Direct: 201-831-0575
Fax: 201-831-0519